

46 Am. Jur. 2d Judges § 24

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Judges

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V. Powers and Duties

A. In General

§ 24. Territorial limits of power of judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  27 to 30

Unless otherwise authorized by the constitution or a statute, a judge generally has no authority to perform judicial duties or exercise judicial functions outside of the territorial limits of the county or district for which the judge was elected or appointed.¹ Thus, any attempt by a judge to exercise jurisdiction outside the territorial limits of the jurisdiction is a nullity.²

However, state³ and territorial⁴ constitutions and statutes often permit judges of different counties to hold court for each other or perform each other's duties under certain circumstances, or to exchange circuits,⁵ or provide for the calling in of a judge of another county or district to act in the place of a judge who is disqualified or incapacitated.⁶ For instance, a circuit court judge has jurisdiction within the judge's own circuit and in any area outside such circuit in a proceeding where the judge is appointed special judge.⁷ Under some statutes, in the absence of a resident or presiding judge, jurisdiction is conferred on a judge of an adjoining circuit.⁸ In addition, a judge authorized to exercise powers over cases pending in the district in chambers or in vacation may exercise such powers while sitting outside the district.⁹

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Footnotes

- 1 [McIntosh v. Bowers](#), 143 Wis. 74, 126 N.W. 548 (1910).
- 2 [Ertman v. Municipal Court](#), 68 Cal. App. 2d 143, 155 P.2d 908 (1st Dist. 1945).
As to territorial limitations on the jurisdiction of courts, generally, see [Am. Jur. 2d, Courts § 100](#).
- 3 [Collins v. Johnston](#), 237 U.S. 502, 35 S. Ct. 649, 59 L. Ed. 1071 (1915).
- 4 [Borrego v. Cunningham](#), 164 U.S. 612, 17 S. Ct. 182, 41 L. Ed. 572 (1896).
- 5 [§ 241](#).

6 § 234.
7 Baze v. Com., 276 S.W.3d 761 (Ky. 2008).
8 Henderson v. Glen Oak, Inc., 179 Ga. App. 380, 346 S.E.2d 842 (1986), decision aff'd, 256 Ga. 619, 351
9 S.E.2d 640 (1987).
Lockert v. Lockert, 116 N.C. App. 73, 446 S.E.2d 606 (1994), writ allowed, 338 N.C. 311, 450 S.E.2d 490
(1994).
As to the power of judges to perform duties in chambers, both during term time and while the court is in
vacation, see § 27.

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